

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KENNETH L. KYLLO,

Plaintiff,

v.

SCCC et al.,

Defendants.

CASE NO. 3:20-cv-05960-RAJ-JRC

ORDER DENYING STAY

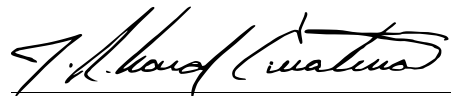
The District Court has referred this 42 U.S.C. § 1983 action to United States Magistrate Judge J. Richard Creatura. Currently pending in this action is plaintiff's motion to stay. Dkt. 14. After consideration of the motion and the relevant record, the Court denies the motion as plaintiff has not shown a stay is appropriate while he retains counsel.

"A district court has discretionary power to stay proceedings in its own court under *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1109 (9th Cir. 2005) (citing *Landis v. North American Co.*, 299 U.S. 248, 254 (1936)). "The power to stay a case is 'incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort

1 for itself, for counsel, and for litigants.” *Halliwel v. A-T Sols.*, 2014 WL 4472724 (S.D. Cal.
2 Sept. 10, 2014) (quoting *Landis*, 299 U.S. at 254). To determine if a stay is appropriate, the
3 Court should weigh the “competing interests which will be effected by the granting or refusal to
4 grant a stay,” including “the possible damage which may result from the granting of a stay, the
5 hardship or inequity which a party may suffer in being required to go forward, and the orderly
6 course of justice measured in terms of the simplifying or complicating of issues, proof, and
7 questions of law which could be expected to result from a stay.” *See Lockyer*, 398 F.3d at 1110
8 (quoting *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962)).

9 Plaintiff moves for a stay of the discovery deadline, which is set for May 7, 2021. Dkt.
10 13, 14. Plaintiff states the issues are complex and he needs a “fair due opportunity to retain
11 counsel to go on record.” Dkt. 14. However, even without counsel, plaintiff has demonstrated an
12 ability to file and respond to Court documents. *See* Dkt. 5, 6, 8. Plaintiff may also continue to
13 seek counsel during the pendency of this case. Accordingly, Plaintiff has not shown, nor does the
14 Court find, a stay is appropriate in this case. The motion (Dkt. 14) is denied without prejudice,
15 should counsel, once retained, demonstrates a need for more time.

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17 Dated this 15th day of December, 2020.

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21 J. Richard Creatura
22 United States Magistrate Judge
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